

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQP DEVELOPMENT, LLC
Plaintiff

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§
§

V.

No. 2:11CV397

AFLAC INCORPORATED, ET AL.
Defendants

ORDER

The above-referenced case was referred to the undersigned United States Magistrate Judge for pre-trial purposes in accordance with 28 U.S.C. § 636. Before the Court are the following pending motions: Defendant Medical Protective Insurance Services, Inc.'s Motion to Dismiss (Docket Entry # 43) and Defendant INTL FC Stone Inc.'s Motion to Dismiss Pursuant to Rule 12(b)(2) and 12(b)(6) and Request for Hearing (Docket Entry # 71). The Court, having reviewed the relevant briefing, is of the opinion the motions should be **DENIED AS MOOT**.

On January 11, 2012, Judge Folsom entered an Order of Dismissal Without Prejudice, dismissing all of Plaintiff's claims for relief against Medical Protective Insurance Services, Inc. ("MPIS") and MPIS' counterclaims for relief against Plaintiff. Thus, MPIS' motion to dismiss is moot.

After Defendant INTL FCStone, Inc. ("INTL") filed its motion to dismiss, Plaintiff filed an amended complaint. Thereafter, on January 27, 2012, INTL filed a motion to dismiss Plaintiff's amended complaint pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6). INTL's original motion to dismiss is also moot. Accordingly, it is

ORDERED that Defendant Medical Protective Insurance Services, Inc.'s Motion to Dismiss (Docket Entry # 43) and Defendant INTL FC Stone Inc.'s Motion to Dismiss Pursuant to Rule

12(b)(2) and 12(b)(6) and Request for Hearing (Docket Entry # 71) are hereby **DENIED AS MOOT.**

SIGNED this 1st day of February, 2012.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE